



AN BILLE OIFIGI (COINNIOLLACHA FOSTAIOCHTA), 1956.
OFFICES (CONDITIONS OF EMPLOYMENT) BILL, 1956.

Mar a tugadh isteach.

As introduced.

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AN BILLE OIFIGI (COINNIOLLACHA FOSTAIOCHTA), 1956.
OFFICES (CONDITIONS OF EMPLOYMENT) BILL, 1956.

BILL

entitled

5 AN ACT TO PROVIDE FOR THE PROTECTION OF THE
HEALTH, WELFARE AND SAFETY OF PERSONS
EMPLOYED IN OFFICES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

10 PRELIMINARY AND GENERAL.

1.—(1) This Act may be cited as the Offices (Conditions of Employment) Act, 1957. Short title and commencement.

(2) This Act shall come into operation on such day as the Minister appoints by order.

15 (3) Notwithstanding *subsection (2)*, if it is shown to the satisfaction of the Minister, as respects any particular requirement of this Act, that by reason of substantial expenditure involved through the necessity of providing new, or altering existing, buildings, or on account of other special difficulties, it would be right in the case
20 either of offices generally or of any class or description of office that the requirement should not come into operation on the day appointed under *subsection (2)*, he may by order postpone the date of coming into operation of the said requirement, as respects offices generally or that class or description of office, until such date as he
25 may think fit but not later than two years after the day appointed under *subsection (2)*.

(4) Notwithstanding *subsection (2)*, *section 24* shall come into operation on the passing of this Act.

2.—(1) In this Act, unless the context otherwise requires— Interpretation generally.
30 “class or description”, in relation to offices, includes a group of offices described by reference to locality;

“clerical work” includes book-keeping, sorting and filing, typing, document reproduction, machine calculating, drawing, the handling of mail, telephone and telegraph operating and the handling of
35 money;

“contravention” includes, in relation to any provision, a refusal or failure to comply with that provision, and “contravene” shall be construed accordingly;

“enforcing authority” has the meaning given to it by *section 25*;

40 “fume” includes gas or vapour;

“inspector” means an officer authorised by or under *section 27* to act as an inspector for the purposes of this Act;

“maintained” means maintained in an efficient state, in efficient working order, and in good repair;

“the Minister” means the Minister for Industry and Commerce;

“owner” means the person for the time being receiving the rack-rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the rack-rent if the premises were let at a rack-rent;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“sanitary authority” means a sanitary authority within the meaning of the Local Government (Sanitary Services) Acts, 1878 to 1952;

“sanitary conveniences” includes urinals, waterclosets, earthclosets, privies, ashpits, and any similar convenience;

“welfare regulations” means regulations made under *section 23*.

(2) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

(3) Any reference in this Act to the District Court shall be construed as a reference to the Justice of the District Court having jurisdiction in the District Court area where the office in question is situated.

Offices.

3.—(1) In this Act “office” means any premises, room, suite of rooms or other part of premises in which persons are employed on clerical work.

(2) This Act does not apply to an office in which the number of persons employed on clerical work does not exceed five. For the purpose of this provision, all parts of a building or group of buildings in which persons are employed on clerical work by the same employer shall be taken together as forming one office, notwithstanding that such parts may be structurally separated from one another.

(3) This Act does not apply—

(a) to premises or parts of premises occupied by the Defence Forces,

(b) to premises used substantially as a private residence or for private domestic purposes,

(c) to premises or parts of premises where clerical work is performed at irregular intervals and for short periods,

(d) to such premises or classes of premises as are declared to be exempt in regulations made by the Minister.

(4) For the purposes of this section a person shall not be regarded as employed on clerical work if such work is merely incidental or subsidiary to his main occupation.

Application to offices belonging to the State.

4.—This Act applies to offices belonging to or in the occupation of the State but, in case of any public emergency, the Minister may, by order, to the extent and during the period named in the order exempt from this Act any office belonging to or in the occupation of the State or any office in respect of work which is being done on behalf of the State.

Expenses of Minister.

5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

6.—The expenses of a sanitary authority under this Act shall be raised and defrayed in like manner as their expenses under the Local Government (Sanitary Services) Acts, 1878 to 1952, are raised and defrayed. Expenses of sanitary authorities.

5 7.—The Acts mentioned in the *Schedule* are hereby repealed to the extent specified in the third column of the *Schedule*. Repeals.

PART II.

HEALTH.

8.—(1) Every office shall be kept in a clean state and, without prejudice to the foregoing provision— Cleanliness.

(a) accumulations of dirt, refuse, trade refuse and waste shall be removed daily by a suitable method from all rooms, staircases and passages,

15 (b) the floors shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method.

(2) In fulfilling, on an occasion when work is in progress, the requirements of *subsection (1)*, the methods used shall, so far as is reasonably practicable, be such as not to give rise to dust.

20 (3) The Minister may, after consultation with the Minister for Health, make regulations modifying the provisions of this section or prescribing further requirements as to cleanliness and, in particular, without prejudice to the generality of the foregoing, requirements as to the cleaning, painting, whitewashing or colour-
25 washing of inside walls, partitions, ceilings or tops of rooms, and the walls, sides and tops of passages and staircases.

9.—(1) An office shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein. Overcrowding.

30 (2) Without prejudice to the generality of *subsection (1)*, an office shall be deemed to be so overcrowded as to cause risk of injury to the health of persons employed therein if the number of persons employed at a time in any room is such that the amount of space allowed for every person employed in the room is less than such
35 amount as may be prescribed in regulations made by the Minister, after consultation with the Minister for Health, for offices or for any class or description of office.

10.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each room, but no method
40 shall be employed which results in the escape into the air of any room of any fume of such character and to such extent as to be likely to be injurious or offensive to persons employed therein. Temperature.

(2) The Minister, after consultation with the Minister for Health, may, by regulations for offices or for any class or description of office or parts thereof, prescribe a standard of reasonable
45 temperature and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and position as
50 may be specified.

Ventilation.

11.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each room the adequate ventilation of the room.

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe a standard of adequate ventilation for offices or for any class or description of office or parts thereof. 5

Lighting.

12.—(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of an office in which persons are working or passing. 10

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe a standard of sufficient and suitable lighting for offices or for any class or description of office or parts thereof or for any kind of clerical work.

(3) All glazed windows and skylights used for the lighting of rooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction. 15

(4) *Subsection (3)* shall not affect the whitewashing or shading of windows and skylights for the purposes of mitigating heat or glare. 20

(5) So far as is reasonably practicable arrangements shall be made so that there is not, by reason of—

(a) the brightness of the light, or

(b) unsuitable shading, or

(c) unsuitable placing of light sources or positions of work, 25

discomfort or injury from glare or from reflection of light into the eyes of the worker.

Sanitary conveniences.

13.—(1) Sufficient and suitable sanitary conveniences for the persons employed in an office shall be provided, maintained and kept clean. 30

(2) The Minister may, after consultation with the Minister for Health, make regulations determining for offices or for any class or description of office what is sufficient and suitable provision for the purposes of this section.

Unsuitable rooms.

14.—(1) Clerical work shall not be carried on in any room which is certified by the enforcing authority to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided. 35

(2) Where the enforcing authority certifies under *subsection (1)* as unsuitable any room which is in actual use, the authority shall suspend the operation of the certificate for such period as the authority considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises. 40

(3) If the occupier is aggrieved by any decision of the enforcing authority under this section— 45

(a) he may, within twenty-one days of the date of issue of the certificate, appeal by way of complaint to the District Court,

(b) pending the final determination of an appeal against a decision under *subsection (1)* in the case of a room in actual use, no offence shall be deemed to be committed by reference to that subsection in respect of the room to which the appeal relates, 50

(c) the decision of the Court shall in all cases be binding on the occupier and the enforcing authority.

15 **15.**—Part VI of the Shops (Conditions of Employment) Act, 1938 (No. 4 of 1938), shall apply to persons employed on clerical work in or in connection with a shop, provided they do not exceed five in number, as if they were employed to do shop work.

Application of Part VI of Shops (Conditions of Employment) Act, 1938, to clerical workers.

10 **16.**—(1) Where the Minister is satisfied that any material, substance, process or description of work, used in offices, is of such a nature as to cause risk of injury to the health of persons employed, or any class of those persons, he may, after consultation with the Minister for Health, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

Health regulations.

(2) Regulations under this section may, among other things—

15 (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any process or description of work,

(b) prohibit, limit or control the use and storage of any material or substance, or the use of any process,

20 (c) modify with respect to any class or description of office any provisions of this Act imposing requirements as to health or safety,

(d) impose duties on owners, employed persons and other persons as well as on occupiers.

25 (3) Regulations under this section may apply to all offices in which the material, substance, process or description of work is used or to any specified class or description of such offices, and may provide for the exemption of any specified class or description of office either absolutely or subject to conditions.

PART III.

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SAFETY.

17.—(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained.

Construction and maintenance of floors, passages and stairs.

35 (2) The Minister may, by regulations, prescribe further requirements in relation to the construction, maintenance and safety of floors, steps, stairs, ladders, passages and gangways.

40 **18.**—(1) While any person is within an office for the purpose of employment or meals, the doors of the office, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the office from any building or from any enclosure in which the office is situated shall not be locked or fastened in such a manner that they cannot be easily and immediately opened from the inside.

Means of escape in case of fire.

45 (2) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage way for all persons employed in the room to a means of escape in case of fire.

50 (3) Every window, door or other exit affording means of escape in case of fire, or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice in red letters of an adequate size.

(4) The Minister may make regulations for offices, or for any class or description of office, requiring that provision be made for giving such warning in case of fire as may be prescribed.

(5) Effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use, and with the routine to be followed in case of fire. 5

PART IV.

WELFARE.

Supply of drinking water.

19.—An adequate supply of wholesome drinking water shall be made conveniently available for the use of employed persons. 10

Washing facilities.

20.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe, either generally or as respects any class or description of office or any particular kind of work, a standard of adequate and suitable washing facilities. 15

(3) The Minister, after consultation with the Minister for Health, may, by regulations, provide for the exemption of offices from any of the requirements of this section in cases where, by reason of the difficulty of obtaining an adequate supply of water, or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available or such other special circumstances as may be specified in the regulations, the application of the requirement would in his opinion be unreasonable. 20 25

Facilities for sitting.

21.—(1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work or where a substantial proportion of any work done by employed persons can properly be done sitting, there shall be provided and maintained for their use suitable facilities for sitting. 30

(2) The Minister may, by regulations, prescribe a standard of suitable facilities for sitting for offices or any class or description of office or parts thereof, or for any particular kind of work. 35

First-aid.

22.—In every office there shall be provided and maintained so as to be readily accessible one or more first-aid boxes or cupboards suitably equipped.

Welfare regulations.

23.—(1) Where it appears to the Minister that provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may, after consultation with the Minister for Health, make regulations (in this Act referred to as welfare regulations) requiring such reasonable steps to be taken in connection therewith as may be specified in the regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part. 40 45

(2) This section applies to—

(a) the matters dealt with in the foregoing provisions of this Part, 50

(b) accommodation for clothing,

- (c) facilities for preparing and taking meals,
- (d) the supply of protective clothing,
- (e) ambulance and first-aid arrangements,
- (f) rest rooms,
- 5 (g) arrangements for the supervision of persons employed.

(3) This section shall not apply to offices in which the only persons employed are members of the same family dwelling there.

(4) Welfare regulations may—

- 10 (a) be made for a particular office or for offices of any class or description,
- (b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the employed persons concerned, and prescribe the manner in which the views of the persons
15 employed are to be ascertained,
- (c) provide for the employed persons concerned being associated in the management of the arrangements, accommodation or other facilities for which provision is made,
20 in any case where a portion of the cost is contributed by the persons employed; but no contribution shall be required from the persons employed in any office, except for the purpose of providing additional or special benefits which, in the opinion of the Minister, could not reasonably be required to be provided by the employer
25 alone, and unless two-thirds at least of the employed persons affected in that office, on their views being ascertained in the prescribed manner, assent.

(5) Welfare regulations may impose duties on owners and, so far as relates to the use of any facilities provided, on employed
30 persons.

(6) The Minister may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

PART V.

ADMINISTRATION.

35 **24.**—(1) There shall be a council consisting of a chairman and **Advisory Council.** not more than eleven ordinary members (in this Act referred to as the Advisory Council) to perform the functions assigned to it by this section.

40 (2) The Advisory Council shall consider and advise the Minister on any matters arising on or in relation to the execution of this Act (including any proposals by the Minister to make, amend or revoke any orders or regulations under this Act) which the Minister may refer to the Council.

45 (3) The Advisory Council may, as they consider necessary from time to time, advise the Minister on—

- (a) the desirability of making, amending or revoking any orders or regulations under this Act,
- 50 (b) matters relating to the enforcement of the provisions of this Act or of orders or regulations made under this Act.

(4) The chairman and the ordinary members of the Advisory Council shall be appointed by the Minister.

(5) The first such appointment shall be made as soon as conveniently may be after the passing of this Act and subsequent appointments shall be made from time to time as occasion requires.

(6) In appointing persons to be ordinary members of the Advisory Council, the Minister shall include persons representative of organisations of employees, organisations of employers, and sanitary authorities.

(7) The chairman and the ordinary members of the Advisory Council shall hold office for such period as the Minister may decide.

Enforcing
authority.

25.—The provisions of this Act shall be enforced— 10

(a) in the case of offices in the occupation of the State—by the Minister,

(b) in the case of offices in places to which the Factories Act, 1955 (No. 10 of 1955), applies—by the sanitary authority in respect of *section 13*, and by the Minister 15
in respect of the other provisions of this Act,

(c) in every other case—by the sanitary authority,

and “enforcing authority” shall be construed accordingly.

Exemption
certificates.

26.—(1) An enforcing authority may by certificate exempt from all or any of the provisions of this Act or of regulations made thereunder any premises in respect of which, and to the extent to which, it is the enforcing authority. 20

(2) A certificate shall not be granted for a period exceeding two years but may be renewed for one further period, not exceeding one year. 25

(3) Conditions may be attached to the grant or renewal of a certificate.

Inspectors.

27.—(1) An enforcing authority may authorise any of its officers (or, in the case of a sanitary authority, any other officer to whom it is empowered to assign duties) to act as an inspector for the purposes of its functions under this Act. 30

(2) An inspector appointed by the Minister under the Factories Act, 1955 (No. 10 of 1955), shall be an inspector for the purposes of this Act.

Powers of
inspectors.

28.—(1) An inspector shall, for the purposes of the execution of this Act, have power to do all or any of the following things, that is to say— 35

(a) to enter, inspect and examine at all reasonable times, by day and night, an office, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be an office and any part of any building of which an office forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored 45
or used;

(b) to take with him a member of the Garda Síochána if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(c) to require the production of any documents, required to be kept in pursuance of regulations under this Act, and to inspect, examine and copy any of them; 50

- 5 (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects an office and any persons employed in an office;
- (e) to require any person whom he finds in an office and whom he has reasonable cause to believe to be employed in the office to give such information as it is in his power to give as to who is the occupier of the office;
- 10 (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in an office, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in an office, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;
- 15 (g) to exercise such other powers as may be necessary for carrying this Act into effect.

20 (2) No one shall be required by virtue of *paragraph (f) of subsection (1)* to answer any question or to give any evidence tending to criminate himself.

(3) The occupier of every office, his agents and servants, shall furnish the means required by an inspector as necessary for any entry, inspection, examination, inquiry or other power under this Act, in relation to that office.

(4) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any document which he is required in pursuance of regulations under this Act to produce, or wilfully withholds any information as to who is the occupier of any office, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(5) Where an inspector is obstructed in the execution of his powers or duties under this Act—

- 40 (a) if the obstruction is in an office, the occupier, and, if the person obstructing the inspector is not the occupier, also the person obstructing the inspector, shall be guilty of an offence;
- (b) in any other case, the person obstructing the inspector shall be guilty of an offence.

45 29.—Every inspector shall be furnished with a certificate of his authorisation to act as an inspector, and when visiting an office or place to which any of the provisions of this Act apply, shall, if so required, produce the said certificate to the occupier or any other person holding a responsible position of management at the office or place.

Certificate of
authorisation to
act as inspector.

50 30.—(1) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House, within the next twenty-one days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Provisions as to
regulations,
orders and
certificates of the
Minister.

(2) The Minister shall, before making any orders or regulations under this Act, refer his proposals to the Advisory Council.

(3) Any regulations made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations and may, except as otherwise expressly provided in this Act, be varied or revoked by subsequent regulations made in like manner as the original regulations. 5

(4) Except where otherwise provided, any certificate issued by an enforcing authority under this Act may be issued for a limited period or without limit of period and may be varied or revoked by the enforcing authority. 10

PART VI.

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS.

Offences generally.

31.—(1) In the event of a contravention in or in connection with or in relation to an office of any provision of this Act or any regulation made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner of the office shall, subject as hereinafter in this Act provided, be guilty of an offence. 15
20

(2) In the event of a contravention by an employed person of *section 46* or of a contravention by any person of any regulation made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of that section, or the contravention of the regulation, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than that section or regulation. 25
30

(3) If the occupier of an office avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the relevant provision of this Act or a regulation thereunder. 35

(4) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. 40

Penalties.

32.—Subject as hereinafter in this Act provided, any person guilty of an offence under this Act shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to *section 33*) be guilty of a further offence and liable on summary conviction thereof to a fine not exceeding five pounds for each day on which the contravention was so continued. 45
50

Power of court to order cause of contravention to be remedied.

33.—Where the occupier or owner of an office is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order,

to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding five pounds for each day on which the non-compliance continues.

34.—If any person—

Forgery of certificates, etc.

- 15 (a) forges or counterfeits any certificate required by, under or for the purposes of this Act or any order or regulation made thereunder,
- (b) gives or signs any such certificate knowing it to be false in any material particular,
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited or false as aforesaid,
- 20 (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply,
- (e) personates any person named in any such certificate,
- (f) falsely pretends to be an inspector,
- 25 (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid,
- (h) wilfully makes a false entry in any document required in pursuance of regulations under this Act to be kept or served or sent,
- 30 (i) wilfully makes or signs a false declaration required by, under or for the purpose of this Act or any regulation made thereunder,
- (j) knowingly makes use of any such false entry or declaration as aforesaid,
- 35 he shall be guilty of an offence.

35.—Where there are a number of offices in the same building or where part only of a building is used as an office, the owner of the building shall be responsible under this Act for the following matters :

Responsibility of owner of buildings.

- 40 (a) construction, maintenance, lighting and cleanliness of sanitary conveniences, floors, passages, stairs and other parts of the building of which a particular occupier has not the sole right of use and occupation,
- 45 (b) provisions as to means of escape and safety precautions in case of fire so far as those provisions relate to matters within the owner's control.

36.—Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and shall be liable on summary conviction to the like fine as if he were the occupier or owner, as the case may be.

Offence by person actually committing offence for which occupier or owner is liable.

Exemption of occupier or owner in certain cases.

37.—(1) Where the occupier or owner of an office is charged with an offence under this Act, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge. 5

(2) The persons whom the occupier or owner is entitled under *subsection (1)* to have brought before the Court as the actual offender include any person whatsoever whom he charges as the actual offender, whether or not that person is his agent or servant. 10

(3) If, in a case to which *subsection (1)* applies, the commission of the offence is proved and the owner or occupier proves to the satisfaction of the court—

(a) that he has used all diligence to enforce the execution of the relevant provision of this Act or a regulation or order made thereunder, and 15

(b) that the other person whom he charges as the actual offender committed the offence without his consent, connivance or wilful default,

that other person shall be summarily convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings. 20

(4) The prosecution shall, in any case to which *subsection (1)* applies, have the right to cross-examine the occupier or owner if he gives evidence and any witnesses called by him in support of his charge, and to adduce rebutting evidence. 25

(5) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence under this Act—

(a) that the occupier or owner (as the case may be) has used all due diligence to enforce the execution of the relevant provision of this Act or a regulation or order made thereunder, 30

(b) by what person the offence has been committed, and

(c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his orders, 35

proceedings shall be taken against the person whom the inspector believes to be the actual offender without first proceeding against the occupier or owner. 40

Proceedings against persons other than occupiers or owners.

38.—Where, under this Act, any person is substituted for the occupier or owner with respect to any provisions of this Act, any order, summons, notice or proceedings, which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person. 45

Prosecution of offences, etc.

39.—(1) Any offence under this Act may be prosecuted by the enforcing authority.

(2) It shall be sufficient in a summons in respect of an offence under this Act to allege that the office is an office within the meaning of this Act and to state the name of the ostensible occupier of the office or, where the occupier is a firm, the name of the firm. 50

(3) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report or do any other thing, at or within a prescribed time, the offence shall be deemed to continue until the examination is made, the report entered or the other thing done, as the case may be.

40.—Any person aggrieved by an order made by the District Court on determining a complaint under this Act may appeal therefrom to the judge of the Circuit Court within whose circuit is situate the courthouse in which the decision of the District Court was given, and the decision of the judge of the Circuit Court on any such appeal shall be final and conclusive and not appealable.

Appeals from orders made on complaint.

41.—If a person is found in an office (not being an office in which the only persons employed are members of the same family dwelling there) at any time at which work is going on, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been employed in the office.

Special provisions as to evidence.

42.—(1) Any document (including any summons or order) required or authorised to be served or sent under this Act on or to any person may be served or sent—

Service and sending of documents.

(a) by delivering it to such person or, in the case of a partnership, to any of the partners, or by leaving it at, or posting it to, the residence of such person;

(b) in the case of the owner or occupier of an office, in any such manner as aforesaid or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the office.

(2) Any document referred to in subsection (1) may be addressed, for the purpose of the service or sending thereof under this Act on or to the occupier of an office, to "the occupier" at the proper postal address of the office, without further name or description.

(3) For the purposes of this section, a company registered under the Companies Acts, 1908 to 1924, shall be deemed to reside at its registered office, and every other body corporate and every unincorporated body shall be deemed to reside at its principal office or place of business in the State.

43.—If, by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as an office, the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with any provisions of this Act or any regulation or order made thereunder or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the Circuit Court for an order under this section and the Court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the Court considers just and equitable in the circumstances of the case.

Power of Circuit Court to modify agreements.

44.—Where, in any premises the whole or any part of which has been let as an office, any structural or other alterations are required in order to comply with any provision of this Act or any regulation or order made thereunder or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier (as the case may be) alleges that the whole or any part of

Power of Circuit Court to apportion expenses.

the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the Circuit Court for an order under this section and the Court, after hearing the parties and any witnesses whom they desire to call, may make such an order concerning the expenses or their apportionment as the Court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the Court may at the request of the owner or occupier determine the lease. 5

PART VII.

10

MISCELLANEOUS.

Communal provision of accommodation and facilities.

45.—Accommodation and facilities to be provided by any person under this Act may be provided by that person either alone or in conjunction with other persons.

Duties of persons employed.

46.—(1) A person employed in an office shall not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the office, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance. 15

(2) A person employed in an office shall not wilfully and without reasonable cause do anything likely to endanger himself or others. 20

Prohibition of deductions from wages.

47.—Save as otherwise expressly provided under this Act, the occupier of an office shall not in respect of anything to be done or provided by him in pursuance of this Act make any deductions from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person. 25

Section 7.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vic., c. 52	Public Health (Ireland) Act, 1878.	Sections 48 and 107 so far as they relate to offices within the meaning of this Act.
53 & 54 Vic., c. 59	Public Health Acts Amendment Act, 1890.	Section 22 so far as it relates to offices within the meaning of this Act.

BILL

(as introduced)

enrolled

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Introduced by the Minister for Industry and
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Enacted by the House of Representatives
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(*mar a tugadh isteach*)

dá ngairmtear

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fostú in oifigí.

*An tAire Tionscail agus Tráchtála a thug
isteach.*

*Do hordáiodh ag Dáil Éireann a chlóbhu-
aladh, 18 Iúil, 1956.*

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